

REMARKS

The present application includes claims 1-4, 6-7, 12-15, 18-28, 32, 35-48, 51-54, 57-69, 72-75, 77-80, 84, 87-95, 97, 102, 103, 106-114, 128-130, 133-147, 150-158, and 220-227. Claims 1-4, 6-7, 12-15, 18-28, 32, 35-48, 51-54, 57-69, 72-75, 77-80, 84, 87-95, 97, 102, 103, 106-114, 128-130, 133-147, 150-158, and 220-227 have been rejected by the Examiner. By this Response, claims 1, 26, 65, 67, 72, 114, 141, 158, and 220 have been amended, and claim 5 has been canceled.

Claim Amendments

Independent claims 1, 72, and 220 have been amended to specify that triggering of the appearance of the character is random and related to a bet placed by the player. The Applicant submits that these limitations are not shown in the cited art of record, and, for at least these reasons, the pending claims should be allowable.

Oath/Declaration

The Examiner asserts that the declaration is defective because it states “material to examination,” as opposed to “material to patentability.” The Applicants respectfully disagree that the cited wording from the declaration causes the declaration to be defective.

As specifically stated in the MPEP:

“When an application is otherwise ready for issue, an examiner with full signatory authority may waive the following minor deficiencies:

Minor deficiencies in the body of the oath or declaration where the deficiencies are self-evidently cured in the rest of the oath or declaration.”

See MPEP 602.03.

In the present application, the terminology “material to examination,” is not even a deficiency. The relevant portion of the declaration states “I acknowledge the duty to disclose information which is material to examination of this application in accordance with 37 CFR § 1.56.” 37 CFR § 1.56 is entitled “Duty to disclose information material to patentability.” The Examiner has cited no authority that requires the declaration to recite “patentability” instead of “examination,” or to cite the title of that section verbatim. Moreover, even if such wording was considered defective, it would clearly be a minor deficiency that is self-evidently cured by the rest of the sentence that specifically states that it is “in accordance with 37 CFR § 1.56.” Further, the “examination” of the application is self-evidently related to “patentability.”

Additionally, the USPTO has issued a clarification stating that applications filed prior to June 1, 2008, are not required to recite the particular language of “patentability.” Thus, the Applicants respectfully request reconsideration of the assertion that the declaration is defective.

Specification

The Examiner objected to the title as not being descriptive enough. The Applicant has now amended the title to read “Animated Character for Player Information Delivery” and submits that the Examiner’s objection has been satisfied.

Claim Objections

Claim 5 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. By this Response, the Applicant has cancelled claim 5 and submits that the objection has been overcome.

Claim Rejections – 35 USC 112

Claims 26, 65, 43, 67, 68, 114, 141, and 158 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this Response, claims 26, 43, 65, 67, 114, 141, and 158 have been amended to address the Examiner's concerns. Therefore, the Applicant submits that these rejections have been overcome.

Claim Rejections – 35 USC 102

Claims 1, 5, 7, 12-15, 18, 19, 27, 41, 42, 51-54, 57, 58, 66, 72-75, 77-79, 102, 103, 106, 107, 128-130, 133, 134, 142, 146, 147, 150, 151, 220, and 227 have been rejected under 35 USC 102(b) as being anticipated by a translation of Ugawa (Japanese Publication No. 09-047550, published February 18, 1997). The Applicant traverses this rejection for at least the following reasons.

As recited in independent claims 27, 66, 128, 142, the animated character appears randomly and independent of an outcome of the game being played. The Applicant respectfully refutes the Examiner's assertion that the character in Ugawa appears independent of the specific outcome of the game being played by the player. Rather, as

discussed in the translated Abstract, a character 77 is superimposed on special pictorial pattern display parts 33a-33c on a pachinko ball game machine each time a ready-for-winning state or a jackpot is detected (see Abstract). Additionally, two characters 77 and 78 are superimposed on the special pictorial pattern display parts 33a-33c each time the ready-for-winning state or jackpot is decided. Thus, the character display is tied to the outcome and mode of operation for the pachinko machine, and the trigger signal for display of the character(s) is not in fact random.

In addition, as recited in amended independent claims 1, 72, and 220, triggering of the character appearance is random and related to the player's bet. Such a limitation is discussed, for example, on page 5 of the present application. Ugawa contains no disclosure of such a feature.

Thus, Ugawa does not teach at least several limitations of the pending claims.

Claim Rejections – 35 USC 103

Claims 2 and 43 have been rejected under 35 USC 103(a) as being unpatentable over Ugawa in view of Official Notice. The Applicant traverses this rejection for at least the following reasons.

As described above, Ugawa fails to teach the limitations of independent claims 1 and 27, from which claims 2 and 43, respectively, depend. By extension and as echoed by the Examiner, Ugawa fails to teach the added limitations of these dependent claims. Further, the Applicant submits that it would not have been obvious to one of ordinary skill in the art at the time of invention to implement a bonus prize pool or combination trigger in combination with the other elements recited in the claims. The combination of

limitations must be considered together, and viewing Ugawa in light of one of ordinary skill at the time of invention fails to teach or suggest the combination of limitations recited in the claims. Thus, the Applicant respectfully traverses the Examiner's assertions of Official Notice as they apply in the context of these particular claims and, in the event the Examiner chooses to maintain these rejections, respectfully requests further detail from the Examiner to illustrate such a combination in the art.

For at least these reasons, the Applicant respectfully submits that dependent claims 2 and 43 should be allowable over Ugawa.

Claims 3, 4, 6, 20-26, 28, 32, 35-40, 44-48, 59-65, 67-69, 80, 84, 87-95, 108, 114, 135-141, 143-145, 152-158, and 221-226 have been rejected under 35 USC 103(a) as being unpatentable over Ugawa. The Applicant respectfully traverses this rejection for at least the following reasons.

As described above, Ugawa fails to teach or suggest the limitations of independent claims, 1, 27, 66, 72, 128, 142, and 220, from which these claims depend. While the Applicant reserves the right to make further arguments of non-obviousness, the Applicant refers to the discussion above with respect to the independent claims and submits that any mention in Ugawa of dependent limitations fails to cure the fundamental defects of Ugawa with respect to the independent claims.

CONCLUSION

The Applicant submits that the claims define allowable subject matter and are in condition for allowance. In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the USPTO Deposit Account MHM, Account No. 13-0017.

Respectfully submitted,

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